

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-2, 4 and 5 remain active in this case, Claim 1 having been amended and Claims 7, 10 and 17 canceled by the present amendment, Claims 3, 6, 8, 9, 11 and 12 having been previously canceled, and Claims 13-16 having been withdrawn from consideration as directed to a non-elected invention.

In the outstanding Office Action, Claims 1, 2, 4, 5 and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by Cottell (U.S. Patent No. 3,715,104); Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Cottell; and Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Cottell in view of Muller (U.S. Patent No. 2,615,692).

In light of the outstanding grounds for rejection, Claim 1 has been amended to clarify the claimed invention, thereby to more clearly patentably define over the cited prior art. To that end, amended Claim 1 includes clarifying features formerly stated in Claims 7, 10 and 17, now canceled. No new matter has been added.

The differences between the claimed invention and the cited prior art is next addressed.

Cottell discloses an apparatus for carrying out ultrasonic agitation of liquid dispersions by utilizing ultrasonic vibration for rupturing yeast cell walls. This purpose basically differs from that of Applicants' invention. Cottell discloses the plate 10 made exchangeable, which is different from the present invention of the structure in which a recess is formed to a vessel bottom portion, into which a reflector is detachably mounted.

Furthermore, in the Cottell structure, liquid to be treated is supplied in a space between plates 9 and 10 from a liquid inlet (conduit 5) formed to the side of the container.

On the other hand, in the claimed invention, at least one (one of plural) perforation which extend through a center area of the reflector and penetrates the bottom portion of the vessel, and through which the mixture components are fed to a space between the vibrator and the reflector through a mixture component supply line connection to the perforation.

That is, in the Cottell structure, the liquid (article) is introduced from the side surface, whereas in Applicants' invention, the mixture components are fed to the space between the vibrator and the reflector. The Cottell structure is significantly different from Applicants' invention, where the components can be uniformly distributed (supplied) into the treatment space. In the meantime, a hole formed to a central portion of the plate of the Cottell is a discharge hole communicated with an outlet.

In addition, Cottell discloses that a space between the plates 9 and 10 is narrow, but fails to define such space (distance) to be less than 10 mm. According to the claimed invention in which the space (distance) is defined to be less than 10 mm, cavitation bubbles destroy and cause generation of impact waves. As disclosed in [0116] of Applicants' published application, "since the distance between the vibrating plate 13 and the reflecting plate 14 placed on the vessel bottom is small, the shock waves created in the cavitation-generating zone 15 can be more readily applied to the liquid components as compared with a technique in which raw materials are fed to a side portion of the space between the vibrating plate 13 and the reflecting plate 14. Therefore, the liquid components can be converted into an emulsion with a finer particle size." It is respectfully submitted that such technical matters are not suggested or obviated from the disclosure of the Cottell reference.

Muller discloses a vibratory mixer for rejecting the invention of Claim 10 in combination of the above prior art reference to Cottell. This mixer is provided with a plate 4 at the front end of a rod 3 connected to a vibrating source, and the plate 4 is provided with an inclination hole 5 having inclined inner surface for sufficiently agitating upper and lower

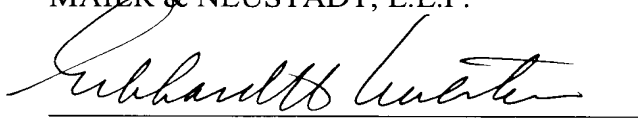
liquids through the inclination hole 5. However, Muller fails to clearly disclose that at least one of a surface of the vibrator that faces the reflector and a surface of the reflector that faces the vibrator has a large number of cone-shaped pits for generating shock waves. This shock waves generated in the pits are converged on focal sections existing between the vibrator and the reflector, and the focal sections form an ultra strong shock wave=generating zone existing between the vibrator and the reflector.

Moreover, in Applicants' invention, there are formed a number of bottom cone-shaped pits as mentioned above, which are not disclosed in the Muller structure.

Accordingly, in view of the present amendment and in light of the above comments, it is respectfully submitted that the outstanding grounds for rejection have been overcome, and withdrawal thereof is respectfully requested. No further issues are thus believed to be outstanding, and the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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